

Docket No. 242896US8



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Kenji NISHIMURA, et al.

SERIAL NUMBER: 10/662,379

ATTN: APPLICATION BRANCH

FILING DATE: September 16, 2003

FOR: MOBILE COMMUNICATION SYSTEM, SERVER APPARATUS, AND DATA
TRANSMISSION METHOD

FILING OF DECLARATION UNDER 37 CFR 1.53(f)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive to the notification dated December 8, 2003, and in accordance with the provisions of 37 CFR 1.53(f), Applicants submit herewith a Rule 63 Declaration. The required fee was paid at the time of filing the application.

The Declaration enclosed herewith contains the Title of the Invention and Inventor(s) name(s) and is believed, in combination with the application serial number and filing date contained in this cover letter, to adequately identify the above-identified application in accordance with 37 CFR 1.63, as set forth in MPEP Section 601.01.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is earnestly solicited.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle

Registration No. 40,073

Joseph A. Scafetta, Jr.
Registration No. 26, 803

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 05/03)



Attorney's Docket No. _____

Combined Declaration and Power of Attorney

As a below named inventor, I hereby declare that:

This declaration is of the following type:

original supplemental
 national stage of PCT
 divisional continuation continuation-in-part

My residence, post office address and citizenship are as stated next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

MOBILE COMMUNICATION SYSTEM, SERVER APPARATUS, AND DATA TRANSMISSION METHOD

the specification of which

is attached hereto.

was filed on _____
 as United States Application Serial Number _____ and,
 was amended on _____ (if applicable).

was filed on _____
 as PCT International Application Number _____ and,
 was amended under PCT Article 19 on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority under Title 35, United States Code, Section 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

PRIOR FOREIGN APPLICATIONS, BENEFIT CLAIMED UNDER 35 USC §119(a)

Application Number	Country	Date of Filing (Day/Month/Year)	Priority Claimed Under 35 USC 119
P2002-270715	Japan	17 / September / 2002	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
P2003-038879	Japan	17 / February / 2003	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

PRIOR U.S. PROVISIONAL APPLICATIONS, BENEFIT CLAIMED UNDER 35 USC §119(e)

(Application No.)	(Filing Date)	(Application No.)	(Filing Date)
(Application No.)	(Filing Date)	(Application No.)	(Filing Date)

I hereby claim the benefit of Title 35, United States Code Section 120 of any United States application(s), or 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS
DESIGNATING THE U.S., BENEFIT CLAIMED UNDER 35 USC §120**

(Application No.)	(Filing Date)	(Status: Patented, Pending, Abandoned)
(Application No.)	(Filing Date)	(Status: Patented, Pending, Abandoned)

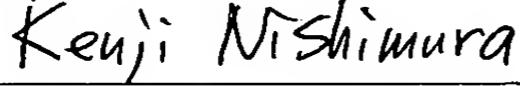
POWER OF ATTORNEY: As a named inventor, I hereby appoint the registered practitioners of Oblon, Spivak, McClelland, Maier & Neustadt, P.C. included in the Customer Number provided below to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Customer Number 22850

Send Correspondence to: Customer Number 22850
Oblon, Spivak, McClelland, Maier & Neustadt, P.C.

1940 Duke Street
Alexandria, Virginia 22314
Direct Telephone Calls to: 703-413-3000

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of sole or first inventor Kenji NISHIMURA	
Inventor's signature 	Date September 16, 2003
Residence Yokosuka-shi, Kanagawa, Japan	
Citizenship Japan	
Post office address c/o Intellectual Property Department, NTT DoCoMo, Inc., Sanno Park Tower, 11-1, Nagata-cho 2-chome, Chiyoda-ku, Tokyo 100-6150 Japan	
Full Name second joint inventor, if any Ken IGARASHI	
Second inventor's signature 	Date September 16, 2003
Residence Yokohama-shi, Kanagawa, Japan	
Citizenship Japan	
Post office address c/o Intellectual Property Department, NTT DoCoMo, Inc., Sanno Park Tower, 11-1, Nagata-cho 2-chome, Chiyoda-ku, Tokyo 100-6150 Japan	